

Education, Health and Social Care (EHCP) An overview

A brief guide for parents/carers and young people.

WHAT IS AN EHCP?

An Education, Health and Care Plan (EHCP) is a legal document written by the Local Authority (LA) with information gathered from professional reports for children and young people (YP) aged up to 25 who need more support than is available through typical SEN Support. EHCPs identify and describe the child or young person's educational, health and social care needs, the additional support required to meet those needs and the outcomes desired. An EHCP can only be provided once an EHC needs assessment has taken place.

The SEND Code of Practice says:

The purpose of an EHCP is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.
(9.2)



WHO NEEDS AN EHCP?

Most children and YP with special educational needs will have extra help given to them (SEN Support) by their place of learning without the need for an EHCP.

EHCP's are for children and YP who have special educational needs or disabilities that cannot be met by the extra support that must be available in a mainstream setting.

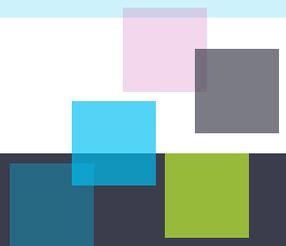
A child or YP must have special educational needs to have an EHCP but a diagnosis is not necessary.

Some children and YP have such significant needs that an EHC needs assessment should not be delayed.



The SEND Code of Practice says:

In considering whether an EHC needs assessment is necessary, the Local Authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress.
(9.14)



The law states that a LA must carry out an EHC Needs Assessment if a child or young person:

- has or may have special needs

and

- it may be necessary for special educational provision to be made in accordance with an EHCP

You do not have to prove that an EHCP is definitely necessary to obtain an assessment, you just have to show it may be necessary.

Under the Children and Families Act 2014 decisions normally made in relation to education by the parent/carer transfers automatically to the young person at the ending of compulsory school age (the last Friday in June when the child turns 16).

This means that decisions related to the EHCP have to be undertaken with the consent and understanding of the young person.

If the young person lacks mental capacity, then the parent/carer or nominated person by the Court of Protection will make the decision for them.



HOW WILL I BE INVOLVED?

The LA must:

- Consult with the parent/carer and child/YP and they must take into account their views, wishes and feelings
- Engage the child/YP and the parent/carer ensuring that they are able to participate in decisions
- Minimise disruption for the child/YP and the family

The SEND Regs 2014 require the LA to consider whether the child's parent/carer or the young person requires any information, advice and support in order for them to take part effectively in the EHC Needs Assessment, and if so, this must be provided.



The SEND Code of Practice says:

Local Authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHCP. (9.21)





The SEND Code of Practice says that an EHCP should:

- Be based on decisions made openly, and with parents, children and YP
- Clearly show the child or YP's views
- Describe what the child or YP can do
- Be clear, concise, understandable and accessible
- Consider how best to achieve the outcomes and what is to be achieved for the child or YP. They must take into account the evidence from the EHC needs assessment
- Specify clear outcomes
- Consider alternative ways of providing support if a parent or YP wishes it. This could include having a personal budget
- Show how education, health and care provision will be co-ordinated
- Be forward looking – for example, anticipating, planning and commissioning for important transition points in a child or young person's life
- Describe how informal support as well as formal support from statutory agencies can help in achieving agreed outcomes
- Have a review date

The EHC plan should be written in a way that makes it clear to parents, YP, schools, colleges and LAs, who is required to do what, when it has to happen and how often it should be reviewed.

CONTENTS OF AN EHCP

- A: The views, interests and aspirations of parents, children or the YP
- B: The child's or YP's special educational needs
- C: Health needs related to their SEN or to a disability
- D: Social care needs related to their SEN or to a disability
- E: Planned outcomes for the child or YP
- F: Special educational provision, what is to be provided. Provision must be specified, very clearly, for each and every need shown in section B
- G: Any reasonable health provision required that is related to their SEN or to a disability
- H1: Any social care provision that must be made for the child or YP under 18, in line with the Chronically Sick and Disabled Person's Act 1970
- H2: Any other reasonable social care provision required that is related to their SEN or to a disability
- I: The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended
- J: Details of how any personal budget will support particular outcomes and the provision it will be used for
- K: The advice and information gathered during the EHC needs assessment must be attached in the appendices. There should be a list the advice and information used to write the plan

Where the child or YP is in or beyond year 9, the EHCP must also include the provision required by the child or YP to help prepare for adulthood and independent living.

CAN I REQUEST A PARTICULAR SCHOOL?

The law says that parents or a YP have a right to request that a particular school, college or other institution is named in the EHCP. The Local Authority must agree to this request. Unless:

- It would be unsuitable for the age, ability, aptitude or SEN of the child or YP, or
- The attendance of the child or YP would be incompatible with the efficient education of others, or the efficient use of resources (9.79)

You can find out more about your rights to request a particular school or college in the SEND Code of Practice sections 9.78 to 9.90 available to download on our website.



WILL THERE BE A REVIEW OF THE EHCP?

The Local Authority must review the EHCP at least once every 12 months. This must be done in partnership with you and the child or YP, and must take account of your views, wishes and feelings.

The Local Authority must decide whether to keep the EHCP as it is, make changes, or cease to maintain the plan within four weeks of the review meeting. You have a right of appeal if the Local Authority proposes to cease the EHCP. If the Local Authority decides to make amendments, you will have a right of appeal when you receive a copy of the final amended plan.

However, the plan may be ceased if:

- the plan is no longer necessary (the child or YP no longer needs the SEN provision specified in it)

Or

- the local authority is no longer responsible for the child or YP if they:

- Go into higher education
- Get a job
- Tell their Local Authority they no longer want to be in education or training
- They move to another Local Authority and the EHCP is transferred with the child

For more information, please see our booklet on Annual Reviews available to download on our website. For some YP, an EHCP will continue until they are 25.

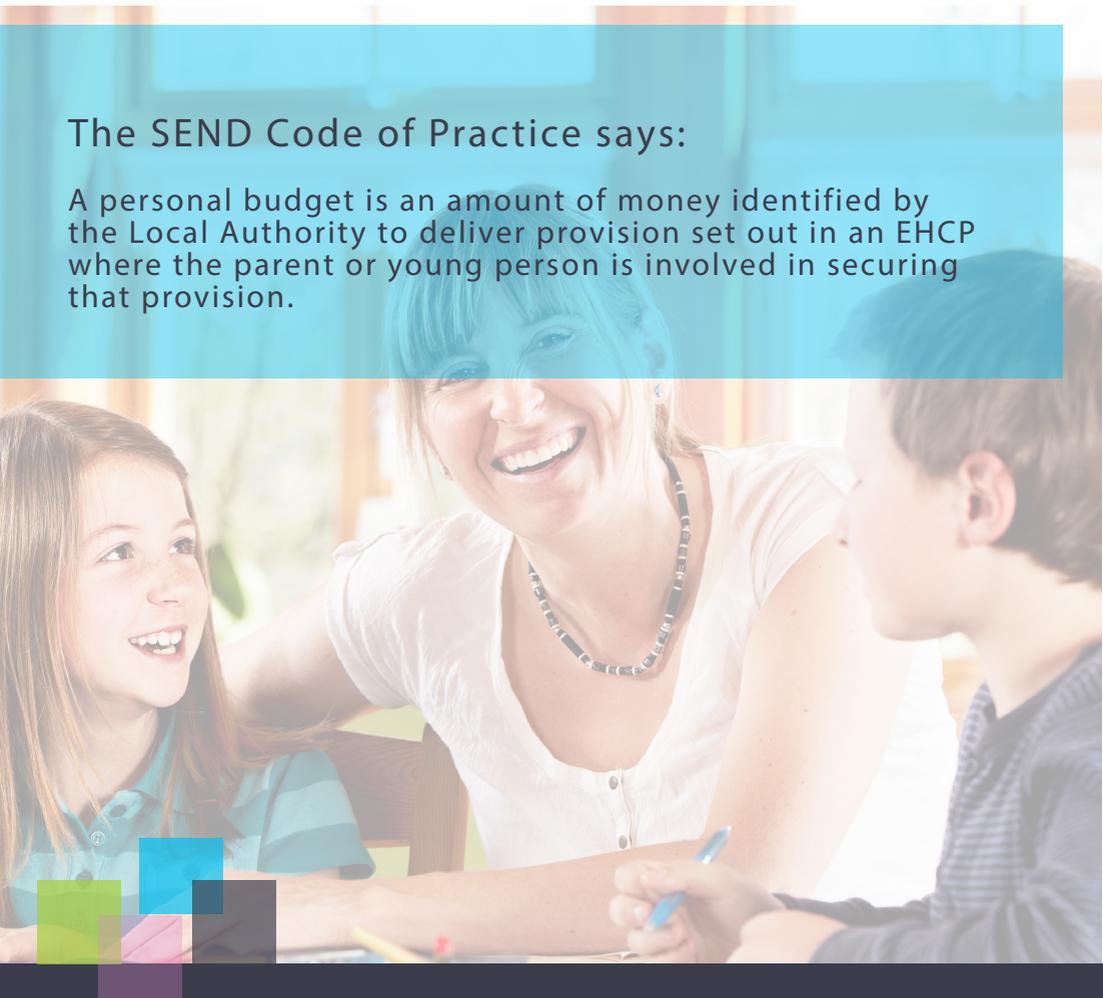
WHO FUNDS THE PROVISION IN THE EHCP?

The Local Authority is responsible for ensuring that the special educational needs set out in the EHCP are met and that the special educational provision is made, whatever their funding arrangements or agreements with other service providers.

All young people with an EHCP and all parents of children with an EHCP can ask for a personal budget, please look at our personal budget booklet to read more.

The SEND Code of Practice says:

A personal budget is an amount of money identified by the Local Authority to deliver provision set out in an EHCP where the parent or young person is involved in securing that provision.



WHAT CAN I DO IF I AM NOT HAPPY ABOUT THE EHCP?

The first step is to contact your EHCP Coordinator at the Local Authority to discuss your concerns.

You can also contact us to give you impartial information, advice and support and explain your options. This may include independent disagreement resolution, mediation or going to appeal. You can only appeal sections B,F and I of the plan.

- B - Educational needs
- F - Educational provision
- I - Educational placement

You can ask for recommendations from the tribunal for health and social care.



WHAT HAPPENS IF I MOVE TO ANOTHER LOCAL AUTHORITY?

If you plan to move to another Local Authority area, it is important that you contact the 'old' and the 'new' Local Authorities. The 'old' Local Authority must transfer the EHCP on the day of the move, as long as it has had 15 working days' notice.

The 'new' Authority will become responsible for the plan and for securing any provision within it. The new Authority may want to carry out a new needs assessment and they must review the plan before one of the following deadlines:

- Within 12 months of the plan being made or being previously reviewed by the old Authority
- Within 3 months of the plan being transferred

The new Authority must inform you, within 6 weeks of transfer, when they will review the EHCP and if they are going to re-assess.



Visit our website
to book an
appointment.
If you need this
information in
another format
please contact us.



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